

REMARKS

In response to the Office Action dated August 18, 2005, Applicants respectfully request reconsideration based on the above claim amendment and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claim 1 has been amended, leaving Claims 1-7 for further consideration upon the entry of the amendment. No new matter has been added by the amendment.

Drawing Objections

The drawings are objected to under 37 C.F.R. 1.83(a). The Examiner has stated on page 2 of the Office Action that the “exhaust unit”, “diffusion region”, “convex portions”, and “concave portions” must be shown or the feature canceled from the claims.

The feature “exhaust unit” is canceled from Claim 1. The features “diffusion region”, “convex portions”, and “concave portions” are shown in amended figures 2 and 8. These features are described in the specification, for example, page 6, lines 11-21 of the specification. Therefore, no new matter has been added by the amendments to figures 2 and 8. Replacement sheets pursuant to 37 CFR 1.121(d) are attached hereto.

The Examiner has further stated on pages 2-3 of the Office Action that the “first main flow paths which are formed on the bottom of the connecting unit” must be shown or the feature canceled from the claims. The feature “first main flow paths which are formed on the bottom of the connecting unit”, in Claim 1, has been amended to recite the feature “first main flow paths which are formed on the bottom of the upper diffusion block”. This feature is discussed on page 5, lines 25-26 of the specification or figure 5 of the application. No new matter has been added by the amendments to the claim.

Claims Rejections – 35 U.S.C. 112

Claim 3 stands rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The Examiner has stated on page 4 of the Office Action that the specification, describing the drawings, provides no teaching as to where “a diffusion region” on the “lower diffusion block (37, Figures 6, 8D; column 6, lines 38-65)” is for the reader to locate Applicant’s “convex portions” and Applicant’s

“concave portions”.

Figures 2 and 8 show where the diffusion region 92 having the convex portions 95 and the concave portions 96 is on the lower diffusion block 90; and where the convex portions 95 and the concave portions 96 are on the diffusion region 92. Therefore, it is believed that Claim 3 complies with the enablement requirement.

Claims Rejections – 35 U.S.C. 103

Claims 1-3 and 5-7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al., WO 03/009352 A1 (hereinafter “Park”) in view of Murakami et al., U.S. Pat. No. 5,728,223A (hereinafter “Murakami”) for the reasons stated on pages 4-11 of the Office Action.

Claim 4 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Park, Murakami, in view of Hayakawa et al., U.S. Pat. No. 5,447,568 (hereinafter “Hayakawa”) for the reasons stated on pages 11-12 of the Office Action.

Applicants respectfully submit that Park is disqualified as prior art under 35 U.S.C. 102(b), because the publication date of Park, i.e., January 30, 2003 is less than one year prior to the Applicants’ effective filing date, i.e., December 30, 2003. Applicants further submit that Park is disqualified as prior art under 35 U.S.C. 102(a) because Applicants conceived of the invention disclosed and claimed in the present application prior to January 30, 2003.

The invention claimed in Claims 1-7 was described in Applicants’ Korean Patent Application No. 2003-0000365, which was filed in Republic of Korea on January 3, 2003. Because the application was drafted and filed in the Korean Patent Office, the invention was conceived and reduced to practice by the filing date, January 3, 2003, of the Korean Patent Application No. 2003-0000365 with the Korean Patent Office, which is prior to January 30, 2003. Therefore, Park is disqualified as prior art under 35 U.S.C. 102(a). Attached are the declaration under 37 C.F.R. 1.131 and a verified English translation of Korean Patent Application No. 2003-0000365. Applicants respectfully submit that Park is qualified as a prior art under 35 U.S.C. 102(e).

For applications filed on or after November 29, 1999, this rejection may be overcome by showing that the subject matter of the reference and the claimed invention

were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See 35 U.S.C. 103 (c), MPEP 706.02(l)(1) and 706.02(l)(2). As noted in the clear and conspicuous statement below, the present application and Park were, at the time the invention of the present application was made, subject to an obligation of assignment to the IPS ltd. Therefore, Park is now disqualified as prior art and must not be used in a 35 U.S.C. 103(a) obviousness rejection. Accordingly, the various rejections of claims 1–7 under 35 U.S.C. § 103(a) over Park should be withdrawn.

Statement Concerning Common Ownership

Application serial number 10/748,098 and WO 03/009352 A1 were, at the time the invention of Application serial number 10/748,098 was made, subject to an obligation of assignment to the IPS ltd.

Neither Murakami nor Hayakawa teaches or suggest at least the elements “the feeding unit comprising: a feeding block that is connected to the shower head; a distributing block which is connected to a first gas supply line to uniformly distribute the first reactive gas; two or more first gas transfer pipes which connect the feeding block to the distributing block; and a second gas transfer pipe which is formed in the center of the feeding block and connected to the second gas supply line, the shower head comprising an upper diffusion block connected to the bottom of the feeding unit, an intermediate diffusion block adhered to the bottom of the upper diffusion block, and a lower diffusion block adhered to the bottom of the intermediate diffusion block, the upper diffusion block comprising: a connecting unit which is connected to the feeding block and includes first feeding holes which are respectively connected to the first gas transfer pipes and a second feeding hole which is connected to the second gas transfer pipe; a plurality of first main flow paths which are formed on the bottom of the upper diffusion block, which are connected to the first feeding holes, respectively, and are radially and symmetrically formed around the center of the connecting unit; and a plurality of first sub-flow paths, which are formed in the bottom of the upper diffusion block and extend perpendicularly from each of the first main flow paths”, as recited in Claim 1. Therefore, Murakami and Hayakawa, alone or in combination, do not render Claim 1 obvious. Claims 2-7 depend from Claim 1, and thus are believed to be allowable.

Conclusion

In view of the forgoing amendments and remarks, Applicants submit that this application is in condition for allowance. Early notification to this effect is requested.

If there are any charges due in connection with this response, please charge them to Deposit Account 06-1130.

Respectfully submitted,
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Date: November 16, 2005

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings include changes to Figs. 2 and 8. These sheets, which include Figs. 2 and 8, respectively, replace the original sheets including Figs. 2 and 8.

Attachment: Replacement Sheets.